



Entered on Docket
May 15, 2007

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USA Realty Advisors, LLC

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

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| In re: USA COMMERCIAL MORTGAGE COMPANY, Debtor. | Case No. BK-S-06-10725 LBR Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR |
| In re: USA CAPITAL REALTY ADVISORS, LLC, Debtor. | Chapter 11 Jointly Administered Under Case No. BK-S-06-10725 LBR |
| In re: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, Debtor. | Jointly Administered Under Case No. BK-S-06-10725 LBR |
| In re: USA CAPITAL FIRST TRUST DEED FUND, LLC, Debtor. | ORDER SUSTAINING IN PART THE OMNIBUS OBJECTION OF USA CAPITAL REALTY ADVISORS, LLC TO CERTAIN CLAIMS |
| In re: USA SECURITIES, LLC, Debtor. | Date of Hearing: April 26, 2007 Time of Hearing: 9:30 a.m. |
| Affects: <input type="checkbox"/> All Debtors <input type="checkbox"/> USA Commercial Mortgage Company <input type="checkbox"/> USA Securities, LLC <input checked="" type="checkbox"/> USA Capital Realty Advisors, LLC <input type="checkbox"/> USA Capital Diversified Trust Deed Fund, LLC <input type="checkbox"/> USA First Trust Deed Fund, LLC | |

1 The Omnibus Objection of USA Capital Realty Advisors, LLC ("USA Realty") to
 2 Certain Claims (the "Objection") (Docket No. 3017) came before this Court on proper notice at
 3 the hearing held April 26, 2007, at 9:30 a.m. Steven C. Strong of Ray Quinney & Nebeker P.C.
 4 appeared on behalf of USA Realty, William L. McGimsey appeared on behalf of the Margaret B.
 5 McGimsey Trust, Bruce McGimsey, Jerry McGimsey, Sharon McGimsey and Johnny Clark
 6 (collectively, the "McGimsey Claimants"), and other appearances were noted on the record.

7 A response to the Objection was filed by the McGimsey Claimants (Docket No. 3487). No
 8 other responses were filed. Based on a prior stipulated order (Docket No. 3520) (the "Kantor
 9 Continuance Order"), the claims of Dr. Gary Kantor, Kantor Nephrology Consultants Ltd., and
 10 Lynn M. Kantor against USA Realty (the "Kantor Claims") addressed in the Objection were
 11 continued for a status hearing on June 15, 2007 at 9:30 a.m.

12 THE COURT, having considered the Objection and the response thereto, and having
 13 determined that good and sufficient cause exists for sustaining the Objection to the extent set forth
 14 below, HEREBY ORDERS THAT:

15 1. The following claim listed on Exhibit A to the Objection is disallowed in its
 16 entirety:

| <u>Claimant</u> | <u>Proof of Claim No.</u> | <u>Date Claim Filed</u> | <u>Proof of Claim Amount</u> |
|---|-------------------------------|-----------------------------|--------------------------------------|
| Halseth, Daniel R. & Sandra K Ttees Of The Halseth Family Tr 23 Molas Dr Durango, CO 81301 | 10726-00065 | 1/9/2007 | Unknown |

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1 2. The following claims listed on Exhibit B to the Objection are disallowed in their
 2 entirety:
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| | <u>Claimant</u> | <u>Proof of Claim No.</u> | <u>Date Claim Filed</u> | <u>Proof of Claim Amount</u> |
|---|---|---------------------------|-------------------------|------------------------------|
| 1 | Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319 | 10726-00011 | 6/2/2006 | 50,933.34 |
| 2 | Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319 | 10726-00014 | 6/2/2006 | 50,933.34 |
| 3 | Karen Petersen Tyndall Trust Dated 3/9/94 C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659 | 10726-00047 | 11/10/2006 | 1,115,915.59 |
| 4 | Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102 | 10726-00003 | 5/22/2006 | 51,033.34 |
| 5 | Quinn, Edward & Darlene 660 NW Brookhaven Dr Lee's Summit, MO 64081 | 10726-00026 | 7/12/2006 | 156,388.48 |

16 3. As to the remaining claims listed on Exhibit A or Exhibit B of the Objection,
 17 namely the Kantor Claims and the claims of the McGimsey Claimants against USA Realty, the
 18 hearing on the Kantor Claims is continued for a status hearing on June 15, 2007 at 9:30 a.m., as
 19 provided in the Kantor Continuance Order, and the hearing on the claims of the McGimsey
 20 Claimants against USA Realty is also continued for a status hearing on June 15, 2007 at 9:30 a.m.;
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22 4. The claims that are disallowed pursuant to this Order are disallowed in their
 23 entirety and for all purposes as claims against USA Realty and are not allowed as claims against
 24 any of the other Debtors in these jointly-administered bankruptcy cases.
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1 Submitted by:
2 SCHWARTZER & MCPHERSON LAW FIRM
and RAY QUINNEY & NEBEKER P.C.

3 By: /s/ Lenard E. Schwartzter
4 LENARD E. SCHWARTZER, ESQ.
JEANETTE E. MCPHERSON, ESQ.
5 ANNETTE W. JARVIS, ESQ.
STEVEN C. STRONG, ESQ.
6 *Attorneys for USA Capital Realty Advisors, LLC*

7 APPROVED BY:

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9
10
11 By: /s/ William L. McGimsey
12 William L. McGimsey, Nevada Bar No. 546
13 WILLIAM L. McGIMSEY,
A Professional Corp.
14 601 E. Charleston Blvd.
Las Vegas, NV 89104
15 Attorney for Margaret B. McGimsey Trust,
Bruce McGimsey, Jerry McGimsey, Sharon
McGimsey, and Johnny Clark

16 Approved by:
17 OFFICE OF THE U.S. TRUSTEE

18 By: 
19 AUGUST B. LANDIS, ESQ.
SCOTT A. FARROW, ESQ.

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